



## DISABILITY AND COMMUNICATION ACCESS BOARD

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### INTERPRETIVE OPINION

Pursuant to §103-50, Hawaii Revised Statutes (HRS), all buildings and facilities constructed by, or on behalf of the State or any county, shall conform to the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and amendments. In accordance to HRS §103-50 and Chapter 11-217, Hawaii Administrative Rules, the Disability and Communication Access Board has authority to issue interpretive opinions to HRS §103-50 design standards.

Docket: **DCAB 2002-02:** Interpretive Opinion on ADAAG 4.3.7 Slope. In a public right-of-way, can the running grade of a sidewalk exceed the slope required for an accessible route to conform to the running grade of the road?

Summary: The features of an *accessible route*, developed for *sites*, are not wholly applicable to the constrained environment of *public rights-of-way*. *Sidewalks* are *additions (alterations)* to roadways, and are therefore subject to *technical infeasibility* and *maximum-extent-feasible* standards, which are not applicable to newly constructed subdivision *sites*. Dependent upon and connected to roadway design, *sidewalks* are *at the side* of roadways making them fundamentally different from *walkways* on sites, so the application of running grade requirements upon them creates walkways that do not function like sidewalks.

Ruling: For buildings or facilities subject to HRS §103-50,

#### ADAAG 4.3.7 Slope

The running slope of the accessible route within a public right-of-way is permitted to exceed the maximum running slope for an accessible route in ADAAG 4.3, provided that the running slope does not exceed the longitudinal running grade of the adjacent roadway.

Where public sidewalks are located on independent vertical and/or horizontal alignments that are not coinciding with roadways, they should comply with ADAAG. In some locations it is not feasible to construct a roadway at less than 5 percent grade, and right-of-way constraints or lot configurations may preclude separating the accessible route significantly from the roadway. In such cases the running grade of the accessible route may be as steep as the running grade of the roadway.

[Rul: 03/02] (Auth and Imp: HRS §103-50)

If you have any questions or comments regarding this ruling, please call us at 586-8121.

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